IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9754 of 2004

Between:

Sri Gouni Sivaram Goud S/o Venunatham Gound
H.No.2-1-30, Bodraibazar Devarakonda Village & Mandal
Nalgonda District

..... PETITIONER

AND

1 The Joint Collector (C.S) Nalgonda District at Nalgonda
2 R.D.O., Miryalaguda, Division Nalgonda District
3 The Mandal Revenue Officer Devarakonda, Nalgonda Dist
4 Smt.Rampally Ratna Bai W/o Dayakar,
Near 2-1-15, Bodrai Bazar, Devarakonda (Post & Town)
Nalgonda Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent herein in Proc.No.E2/843/2004 dt. 23/03/2004 appointed the Respondent No.4 as F.P.Shop dealer on temporary basis as illegal, improper, violative of principles of natural of justice

Counsel for the Petitioner: MR.BOLLAM LINGAIAH

Counsel for the Respondent Nos. 1to3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: None appeared

The Court made the following ORDER:

Heard both sides and at the request of both the counsel, the main writ petition itself is taken up for hearing.

The petitioner, who claims to be appointed as a Fair Price Shop Dealer, filed this writ petition *inter alia* challenging the action of the second respondent in making appointment of the fourth respondent as Fair Price Shop Dealer on temporary basis as per the proceedings dated 23.03.2004 as illegal, improper and violate of the principles of natural justice.

The case of the petitioner, *inter alia,* is that since 1996 on wards, he has been holding the said shop and subsequently having regard to bifurcation affected, the respondents appointed the the fourth respondent herein on temporary basis under non-local candidate, which is illegal.

The learned counsel appearing on behalf of the respondents submitted that having regard to the fact that the shops have been bifurcated, the petitioner cannot have any locus as laid down by the decision reported in **District Collector v. B. Suresh**

Therefore, the petitioner has absolutely no right to make any challenge.

Considering the submissions made on either side and also on perusal of the material available on record, it is seen that in this writ petition, the petitioner seeks to challenge only the appointment order of fourth respondent, but, however, there is no challenge at all in regard to the bifurcation. Further, even in respect of bifurcation, as held in the aforesaid decision, the petitioner has no right or locus.

In view of the same and more so in view of the fact that the order of the fourth respondent is purely consequent to the said bifurcation, that too on temporary basis, the petitioner cannot make any grievance.

Hence, I do not see any merits in the writ petition and the same is accordingly dismissed. No costs.

26.07.2004

va

To

1 The Joint Collector (C.S) Nalgonda District at Nalgonda
2 R.D.O., Miryalaguda, Division Nalgonda District
3 The Mandal ,Revenue Officer Devarakonda, Nalgonda Dist
4 Two CCs to G.P. for Civil Supplies, High Court of A.P. Buildings, Hyderabad (OUT)

5 Two CD Copies